

# SENATE BILL REPORT

## SSB 5504

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As Passed Senate, February 28, 2011

**Title:** An act relating to unlicensed child care.

**Brief Description:** Addressing unlicensed child care.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Eide, Kohl-Welles and Keiser).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/11, 2/17/11 [DPS].

Passed Senate: 2/28/11, 47-1.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

**Staff:** Jennifer Strus (786-7316)

**Background:** Any person, firm, partnership, association, corporation, or facility that provides child care outside a child's home must be licensed by the Department of Early Learning (DEL). The following are exempt from licensing requirements:

- a blood relative, step-parent or step-sibling or spouse of any of the persons listed;
- an adoptive parent or that parent's relatives or spouses of any of the persons listed;
- the child's legal guardian;
- persons who care for a neighbor's or friend's child, for less than 24 hours so long as the person does not provide the care on an on-going, regularly scheduled basis;
- parents on a mutually cooperative basis exchange care of one another's children;
- nursery schools or kindergartens engaged primarily in educational work with preschool children and in which no child is enrolled for more than four hours a day;
- schools, including boarding schools, engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- seasonal camps of three months or less engaged primarily in recreational or educational activities;

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- facilities providing child care for less than 24 hours so long as the child's parent remains on the premises to participate in activities other than employment;
- agencies that have been in business since 1957 and supported in part by an endowment or trust fund and which does not seek or accept assistance from any state or federal agency;
- an agency operated by local, state, or federal government or an agency located within the boundaries of a federally recognized Indian reservation;
- an agency located on a military base, unless the military authorities have requested that the agency be licensed by DEL; and
- an agency that offers early learning and support services and does not provide child care services on a regular basis.

DEL may assess civil monetary penalties against an agency providing child care services without being properly licensed. Monetary penalties levied against unlicensed agencies will be forgiven if the agency submits a license application within 30 days of being notified that they need to be licensed and subsequently become licensed. Civil monetary penalties are not to exceed \$75 per violation for a family child care home.

DEL must report on its public website the following actions taken against agency licensees: suspension; surrender; revocation; denial, stayed suspension, or reinstatement of a license.

When it receives a report that an agency is providing child care services without a license, DEL sends that agency a letter ordering them to stop providing child care services immediately and that they could be assessed a monetary penalty if they do not. The letter also states that the agency must be licensed in order to provide child care services.

**Summary of Substitute Bill:** DEL may impose civil monetary penalties of not more than \$150 per violation for a family child care home. DEL must post on its public website those agencies subject to licensure that have not initiated the licensing process within the 30-day period following notification by DEL that they need to become licensed.

When DEL suspects that an agency subject to licensure is providing child care services without a license, it must send notice to that agency within ten days. The notice must include, but is not limited to, the following information:

- that a license is required and the reason why;
- that the agency is suspected of providing child care without a license;
- that the agency must immediately stop providing child care services until the agency becomes licensed;
- that DEL can issue a penalty of \$150 per day for each day the agency provided child care without being licensed; and
- that if they do not initiate the licensing process within 30 days of the date they are notified, DEL will post on its website that the agency is providing child care without initiating the licensing process.

The act is to be known as the Colby Thompson act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:**

PRO: Colby is a victim of shaken baby syndrome committed by their unlicensed child care provider. He is now disabled. This bill is one step to protect children from harm and to provide unsuspecting parents with the ability to find out if a child care provider is operating without being licensed. Unlicensed child care is dangerous to all children and steps should be taken to limit it as much as possible, and this bill will help do this.

OTHER: No provider can complete the licensing process within the 30-day period in the bill so the suggestion is to change the language to state that if the provider initiates the licensing process within 30 days of being notified that would be more realistic. DEL is working on putting information about unlicensed child care on its website without any fiscal impact.

**Persons Testifying:** PRO: Jamie Thompson, citizen; Lani Todd, SEIU 925.

OTHER: Amy Blondin, DEL.